

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>RABBI DAVID SLOMOVITZ, NATHAN FRANKEL, EDWARD HANDLER, SAMUEL LANDY, MIRIAM LEVITZ, HARRY LIEBER, DAVID REICH, ABRAHAM TAUBER, and MORRIS WALDMAN,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE ENCLAVE AT FAIRWAYS, HOMEOWNERS ASSOCIATION, INC., a New Jersey Domestic Corporation,</p> <p style="text-align: right;">Defendant.</p>	<p style="text-align: center;">Civil No.</p> <p style="text-align: center;">DECLARATION OF RABBI DAVID SLOMOVITZ</p>
---	---

DECLARATION OF RABBI DAVID SLOMOVITZ

Rabbi David Slomovitz declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a resident of The Enclave at the Fairways (“The Enclave”) and a member of The Enclave at the Fairways Homeowners Association, Inc. (“HOA”).
2. I am a practicing Orthodox Jew and a Rabbi.
3. I moved into my home at 244 Enclave Boulevard, Lakewood, New Jersey, 08701 on or about August 15, 2017.
4. Orthodox Jews believe that their religion requires that they may not use automobiles or electronic devices (including phones or electronic access keys)

during the Sabbath, which commences 20 minutes before sundown on Friday and ends approximately one and a half hours after sundown on Saturday.

5. Orthodox Jews also need to attend services on the Sabbath.
6. These same conditions apply on several Holy Days occurring throughout the calendar year.
7. In October 2017, I began holding prayer meetings in the basement of my home for Orthodox Jews living in The Enclave. This meetings would occur each week on Friday nights and Saturday mornings.
8. On January 23, 2018, the HOA sent me a “Notice of Violation,” stating that my practice of inviting other Orthodox Jewish people to morning and evening prayers in my basement constituted “using the basement of the home as a corporate place of worship in violation of the requirement to use the Home only for residential purposes.” The Notice of Violation contained other alleged violations which I deny but do not directly relate to the action for which I have filed this Declaration.
9. The Notice of Violation letter imposed a fine of \$25 per day for as long as the “violation” continued, deactivated my access card for entry to the Enclave, suspended my membership rights, and threatened other steps.
10. Such fines have totaled \$7,675.
11. Because of the deactivation of my access card, I am unable to enter my home in The Enclave as a resident; I must enter as a “guest.”
12. As a result, I may not enter The Enclave from either the Damiano Way or the Massachusetts Avenue entrances; I must enter through the twenty-four hour

manned guard house where guests arriving by car check in. This requires me to wait in line with other guests arriving by vehicle.

13. When my married children come to visit me by car, they are now required to check in at the twenty-four hour manned guard house and tell the attendant my name.
14. On a recent visit, the word “Jew” was written next to my name on the resident list.
15. On another occasion in 2018, my children left The Enclave before midnight and when they returned after midnight, the attendant would not let them back in.
16. When my children and grandchildren came to visit by foot, they previously had to bend under the Damiano exit gate. Now they are unable to use that entrance because of the skirts installed underneath the auto gate.
17. Because of the suspension of my membership, the HOA has forbade me from erecting a Sukkah on my property.
18. The HOA has also prohibited me from using the clubhouse, exercise room, and pool.
19. My family has also experienced hostility from neighbors in The Enclave due to our Orthodox Jewish heritage. For example, in 2018, my son-in-law went over to my neighbor’s house to speak to him. My neighbor told my son-in-law, “You don’t want to speak to me. I’m your worst nightmare.”
20. The HOA’s Bylaws do not include or prohibit a so-called “corporate place of worship,” nor do they define it.

21. Upon information and belief, the HOA has previously allowed people of other faiths to have religious gatherings in their homes.
22. On October 12, 2018, the HOA proposed an amendment to its Bylaws prohibiting “regular meetings, presentations, assemblies or quasi-public gatherings,” which was targeted to prohibit Orthodox Jewish prayer meetings such as those I had been conducting.
23. The amendment of the Bylaws required an affirmative vote of two-thirds of the homeowners, and it failed to receive the necessary votes.
24. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2018


Rabbi David Slomovitz